



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective
Title	10	Human Services	Date:
Chapter	121	Adoptions	12-7-2011
Subchapter:	1	Adoption Subsidy	
Section	3	Payments for the care and maintenance of a special needs child (adoption subsidy) (N.J.A.C. 10:121-1.3)	

§10:121-1.3 Payments for the care and maintenance of a special needs child (adoption subsidy)

(a) The Department shall make payments for the care and maintenance of a special needs child to the person(s) with whom the child has been placed for adoption or by whom the child has been adopted when such payments are applied for prior to adoption according to such forms and procedures as may be established by the Department. The Department shall make adoption subsidy payments only to a person who, at the time the adoption is finalized, is a licensed resource parent in accordance with N.J.A.C. 10:122C or to a person who has been approved as an out-of-State adoptive parent.

(b) The Department shall determine and approve the qualifications for subsidy payments prior to the completion of an adoption proceeding. In order to qualify for subsidy, a child must meet at least one criterion for a special needs child listed in N.J.A.C. 10:121-1.2. The failure of the Department to complete its determination and approval of qualifications prior to the finalization of adoption shall not prevent qualification for adoption subsidy, if application for such subsidy was made in a timely manner. Eligibility for subsidy shall be subject to an annual review and redetermination as described in N.J.A.C. 10:121-1.4(a).

1. An adoptive family may re-apply for adoption subsidy on behalf of a child who was initially found ineligible for the subsidy benefit. The adoptive family may apply for adoption subsidy at any time after finalization, if the child develops problems traceable to either his or her genetic heritage or pre-adoptive experiences and which may qualify him or her for adoption subsidy.

(c) No payments shall be made for any child who the Department has determined was brought into the State of New Jersey for the sole purpose of qualifying for adoption subsidy.

(d) In addition to meeting the requirements as set forth in (a) through (c) above, payments pursuant to this section shall be made on behalf of a child only in one of the following circumstances:

1. A child is placed for adoption by the Department;

2. A New Jersey child is placed with a New Jersey family by an agency approved to provide adoption services in New Jersey;

3. A New Jersey child who is not Title IV-E eligible or Supplemental Security Income eligible is placed in any state other than New Jersey by an agency approved to provide adoption services in New Jersey;

4. A New Jersey child in placement who appears to be potentially eligible for Supplemental Security Income, but that determination has not yet been made, is placed in any state other than New Jersey by an agency approved to provide adoption services in New Jersey. Subsidy will be terminated if the child is determined to be Supplemental Security Income eligible and the family will be instructed to seek subsidy from its state of residence; or

5. A non-New Jersey child who is Title IV-E or Supplemental Security Income eligible prior to adoption finalization is placed with a New Jersey family by a private agency located anywhere in the country that is approved to provide adoption services.

(e) Subsidy payments for children in private agency adoptions shall be effective as of the date the Department receives the application for adoption subsidy from the private agency or when the child is placed, whichever occurs later. A determination as to the child's eligibility to receive subsidy may be made by the Department. However, such determination shall be made prior to the child's adoptive placement. The Department is responsible for monitoring the adoption subsidy to the adoptive parent. The Department may approve adoption subsidy payments for a child without legal transfer of care or custody of the child to the Department.

(f) Payments shall be made only pursuant to a written Adoption Assistance Agreement between the Department and the adoptive parent(s), which shall include:

1. The date on which the agreement is entered and the stipulation that the agreement shall remain in effect regardless of the state in which the adoptive parent(s) reside at any given time;

2. The first name and birthdate of the child for whom the payment is to be made;

3. The condition(s) of the child which make the child a special needs child;

4. The needs of the child being adopted;

5. The amount of adoption subsidy to be paid;

6. The additional assistance or services to be provided by the State, and how the costs for these items are to be met;

7. Provisions for the protection of the interest of the child in cases where the adoptive parent(s) and child move to another state while the agreement is effective;

8. How the adoptive parent(s) shall notify the Department of changes in the needs of the child or circumstances of the adoptive family that would affect the eligibility for, or amount of, adoption subsidy, including complying with the annual certification of the adoptive parent's legal responsibility to support the child;

9. How adoptive parent(s) shall be notified of any changes in the amount of adoption subsidy and how they may request changes in the adoption assistance agreement;

10. Payments for non-recurring adoption expenses;

11. Annual verification that each child six years of age or older is enrolled in school or medical verification that the child is medically unable to attend school; and

12. Such other provisions as the Department may require.

(g) A Department representative shall make a reasonable effort to place the child in an adoptive setting without providing a subsidy, unless doing so is against the best interest of the child, including, but not limited to, situations involving adoption by a child's resource parent or where the Department determines that such efforts should not be made because of the special needs of the child or the special qualifications of the adoptive parents.